

CITY OF HAYWARD AGENDA REPORT

AGENDA DATE

07/27/99

AGENDA ITEM

3

WORK SESSION ITEM

TO:

Mayor and City Council

FROM:

Director of Public Works

SUBJECT:

Slurry Seal, Pavement Repair and Rehabilitation 1999/2000: Award of Contract

RECOMMENDATION:

It is recommended that the City Council approve the resolutions that award the Schedule A contract (Pavement Slurry Seal) to Bond Blacktop, Inc., in the amount of \$164,080 and the Schedule B Contract (Pavement Repair and Rehabilitation) to Gallagher & Burk, Inc., in the amount of \$1,458,654.

BACKGROUND:

On June 1, 1999, Council approved the plans and specifications and called for bids to be received on June 29, 1999, for this project, which was divided into two schedules to obtain the best bids. Schedule A (Pavement Slurry Seal) is a continuation of the City's on-going program to slurry seal residential streets every six-to-seven years to extend the life of the street pavement. The work consists of making deep-lift asphalt concrete spot repairs, sealing cracks, and then placing a slurry seal over the entire pavement area. All residential streets in the two areas shown on the attached Exhibit B are proposed for slurry seal this year, except those in excellent condition due to recent construction or resurfacing, and also those in need of overlay due to their structural inadequacy or extended failure. One area is located south of West "A" Street, west of the I-880 freeway, north of West Winton Avenue, and east of Hesperian Boulevard. The other area is located south of West Winton Avenue, west of Hesperian Boulevard, north of Highway 92, and east of Clawiter Road. Parking Lots 5 and 6 near Foothill Boulevard and "A" Street and some paved areas in the Water Pollution Control Facility (WPCF) will also be slurry sealed.

Schedule B (Pavement Repair and Rehabilitation) consists of making deep-lift asphalt concrete spot repairs, placing reinforcing fabric, and placing an asphalt concrete overlay on various streets and at the Water Pollution Control Facility (WPCF). Specific streets and locations to receive rehabilitation and repair are listed on the attached Exhibit A.

On June 29, 1999, four bids were received for Schedule A ranging from \$164,081 to \$212,079 and three bids were received for Schedule B ranging from \$1,458,654 to \$1,840,307.60.

Schedule A:

The low bid was submitted by Bond Blacktop, Inc., of San Jose, in the amount of \$164,080.00, which is almost equal to the Engineer's estimate of \$164,000. Valley Slurry Seal Company of West Sacramento submitted the second lowest bid in the amount of \$187,224, which is 14.2 percent above the Engineer's estimate and \$23,143 more than the low bid. The combined goal for Disadvantaged Business Enterprises (DBE) and Women Owned Business Enterprises (WBE) participation for Schedule A was established at 7 percent. The bid submitted by Bond Blacktop includes 7.1 percent combined participation, which meets the project goals.

Schedule B:

Gallagher & Burk, Inc., of Oakland submitted the low bid, in the amount of \$1,458,654, which is 7.3 percent below the Engineer's estimate of \$1,574,000. O'Grady Paving, Inc., of Mountain View submitted the second lowest bid in the amount of \$1,619,786, which is 2.9 percent above the Engineer's estimate and \$161,132 more than the low bid. The DBE and WBE goals for this portion of the project were established at 10 percent DBE and 3 percent WBE. Gallagher & Burk will have DBE and WBE participation of 17 percent and 3.4 percent, respectively, which exceeds the project goals.

Project Cost:

The estimated project costs are as follows:

Pavement Slurry Seal – Contract Construction (Schedule A)	\$ 164,080
Pavement Repair/Rehabilitation - Contract Construction (Schedule B)	1,458,654
Detector Loops Replacement	25,000
Re-striping	43,000
Crack Sealing (City Forces)	45,000
Tree Trimming (City Forces)	10,000
Design and Administration	97,000
Inspection and Testing	74,000
TOTAL	1,916,734

Funding:

A total of \$2,050,000 has been identified in the approved 1999/2000 Capital Improvement Program for Street Repair, Pavement Rehabilitation, and Slurry Seal.

Schedule:

Begin Work	August 16, 1999
Complete Work	October 20, 1999

Prepared by:
Robauron
Robert A. Bauman, Deputy Director of Public Works
Recommended by:
Dennis L. Butler, Director of Public Works

Jesus Armas, City Manager

Approved by:

Attachments: Exhibit A: List of Streets for Repair, Rehabilitation, and Slurry Seal

Exhibit B: Project Location Map
Exhibit C: Summary of Bids

LIST OF STREETS FOR REPAIR, REHABILITATION AND SLURRY SEAL SUMMER 1999

A. SPOT REPAIR

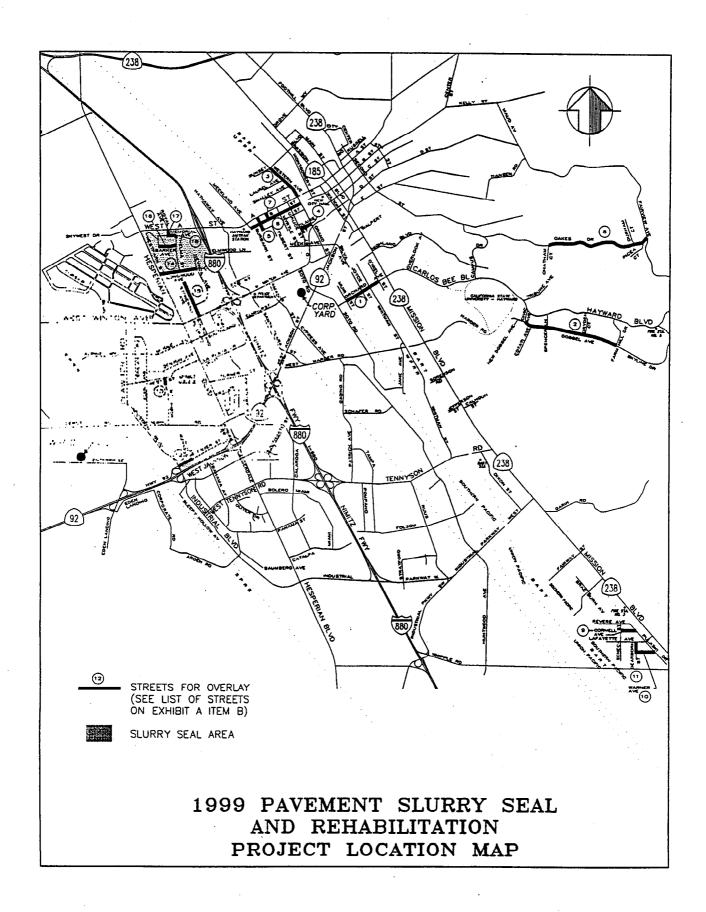
- 1. CYPRESS AVENUE from Harder Rd to Jackson St
- 2. ALICE STREET from "C" St to Meek Av
- 3. DIXON STREET from Industrial Pkwy to Copperfield
- 4. AMELIA AVENUE from Blanche to End
- 5. BUNKER HILL BOULEVARD from Central BI to End
- 6. BUNKER HILL COURT from Bunker Hill BI to End
- 7. WALPERT STREET from Second St to Fletcher Ln
- 8. GRANDVIEW AVENUE from Campus View Wy to End
- 9. GRAND STREET from Winton Av to "B" St
- 10. MEEKLAND STREET from "A" St to "B" St

B. REHABILITATION

- 1. ORCHARD AVENUE from Muir St to O'Neil Av
- 2. DOBBEL AVENUE from Farmhill Dr to New Dobbel Av
- 3. WESTERN BOULEVARD from "A" St to Sunset BI
- 4. CLAIRE STREET from Grand St to Alice St
- 5. BURBANK STREET from "A" St to "C" St
- 6. "B" STREET from Grand St to Meek Av
- 7. FILBERT STREET from "A" St to "B" St
- 8. OAKES DRIVE from Chatham Ct to Fairview Av
- 9. CORNELL AVENUE from Pulaski Dr to Seneca St
- 10. WARNER AVENUE from Pulaski Dr to Dearborn St
- 11. DEARBORN STREET from Warner Av to Lafayette Av
- 12. CRYER STREET from Industrial BI to Gettysburg Av
- 13. MOHR DRIVE from West St to City limit
- 14. LONGWOOD AVENUE from Hesperian Frontage Rd to Nevada Rd
- 15. STONEWALL AVENUE from Nevada Rd to Chenault Wy
- 16. BARKER AVENUE from Westpark St to Thelma St
- 17. ROYAL AVENUE from Memorial Wy to West "A" St
- 18. MEMORIAL WAY from Westpark St to Thelma St

C. SLURRY SEAL

RESIDENTIAL STREETS INCLUDED IN THE SHADED AREAS SHOWN ON EXHIBIT "B" AND PARKING LOTS 5 AND 6



CITY OF HAYWARD
PAVEMENT REHABILITATION AND SLURRY SEAL 1999

PROJECT NOS. 5112, 5113, 5187, 5743, 5744, AND 7638

BIDS OPENED: TUESDAY, JUNE 29, 1999

(NUMBER OF BIDS RECEIVED - 4 FOR SCHEDULE A)

PAGE 1 OF 6

						BOND BLACKTO	P INC.	VALLEY SLURI	RY SEAL CO.
1			ENGINEER'S		PO BOX 8567		PO BOX 1620		
i i			BID SUMMARY	ESTI	MATE	SAN JOSE CA 9	5155-8567	3050 BEACON E	BLVD., SUITE 205
						(408) 885-9310		W. SACRAMEN	TO CA 95691
								(916) 373-150	0
ITEM	QUANTITY	UNIT		UNIT PRICE	TOTAL	UNIT PRICE	TOTAL	UNIT PRICE	TOTAL
SCH	EDULE A	- PRO	DJECT NO. 5113		-				
1	262,000	SY	STREETS SLURRY SEAL	0.54	141,480.00	0.49	128,380.00	0.592	155,104.00
2	10,500	SY	PARKING LOTS SLURRY SEAL	0.70	7,350.00	0.70	7,350.00	1.06	11,130.00
			SLURRY SEAL AT WATER POLLUTION						
3	5,000	SY	CONTROL FACILITY	0.80	4,000.00	1.47	7,350.00	1.97	9,850.00
4	570	SF	REMOVAL OF CROSSWALK STRIPES	2.10	1,197.00	19.29825 *	11,000.00	2.00	1,140.00
5	1	LS	ADMINISTRATIVE CHANGE ORDERS	10,000.00	10,000.00	10,000.00	10,000.00	10,000.00	10,000.00
			TOTAL SCHEDULE A		164,027.00		164,080.00		187,224.00

*UNIT PRICE CORRECTED

CITY OF HAYWARD PAVEMENT REHABILITATION AND SLURRY SEAL 1999 PROJECT NOS. 5112, 5113, 5187, 5743, 5744, AND 7638 BIDS OPENED: TUESDAY, JUNE 29, 1999

(NUMBER OF BIDS RECEIVED - 4 FOR SCHEDULE A)

PAGE 2 OF 6

		BID SUMMARY	1	IEER'S MATE	CA PAVEMENT M 9390 ELDER C SACRAMENTO (916) 381-803	REEK RD. CA 95829	GRAHAM CONT PO BOX 26770 SAN JOSE CA (408) 293-951) 95159
ITEM	QUANTITY UNIT		UNIT PRICE	TOTAL	UNIT PRICE	TOTAL	UNIT PRICE	TOTAL
SCH	IEDULE A - PR	OJECT NO. 5113				*		
1	262,000 SY	STREETS SLURRY SEAL	0.54	141,480.00	0.64	167,680.00	0.712	186,544.00
2	10,500 SY	PARKING LOTS SLURRY SEAL	0.70	7,350.00	0.70	7,350.00	0.80	8,400.00
3	5,000 SY	SLURRY SEAL AT WATER POLLUTION CONTROL FACILITY	0.80	4,000.00	1.00	5,000.00	0.80	4,000.00
4	570 SF	REMOVAL OF CROSSWALK STRIPES	2.10	1,197.00	6.00	3,420.00	5.50	3,135.00
5	1 LS	ADMINISTRATIVE CHANGE ORDERS	10,000.00	10,000.00	10,000.00	10,000.00	10,000.00	10,000.00
		TOTAL SCHEDULE A		164,027.00		193,450.00		212,079.00

CITY OF HAYWARD

PAVEMENT REHABILITATION AND SLURRY SEAL 1999

PROJECT NOS. 5112, 5113, 5187, 5743, 5744, AND 7638

BIDS OPENED: TUESDAY, JUNE 29, 1999

							PAGE 5 OF 6
BID SUMMARY		ENGINEER'S ESTIMATE		GRANITE CONSTRUCTION CO PO BOX 50085 WATSONVILLE CA 95077 (831) 724-1011			
ITEM	QUANTITY	UNIT		UNIT PRICE	TOTAL	UNIT PRICE	TOTAL
SCH	SCHEDULE B - PROJECT NOS. 5112, 5113, 5187, 5743, 5744, AND 7638						
STRI							
1	252,860	SF	6" DEEPLIFT AC SPOT REPAIR	2.80	708,008.00	3.30	834,438.00
2	25,120	SY	PLANE AC PAVEMENT (WEDGE CUT)	1.50	37,680.00	1.80	45,216.00
3	7,760	SY	MILL OFF 0.10' ASPHALT CONCRETE	1.80	13,968.00	1.50	11,640.00
4	15,050	SY	MILL OFF 0.15' ASPHALT CONCRETE	2.30	34,615.00	1.70	25,585.00
5	2,200	SY	MILL OFF 0.20' ASPHALT CONCRETE	2.70	5,940.00	3.50	7,700.00
6	19,760	SY	PAVEMENT REINFORCING FABRIC	0.95	18,772.00	0.76	15,017.60
7	12,360	TON	ASPHALT CONCRETE OVERLAY	38.00	469,680.00	45.00	556,200.00
8	74	EA	ADJUST MANHOLE FRAME & COVER TO GRADE	220.00	16,280.00	520.00	38,480.00
9	32	EA	ADJUST SURVEY MON. BOX & COVER TO GRADE	110.00	3,520.00	311.00	9,952.00
10	25	EA	REPLACE SURVEY MONUMENT BOX & COVER & ADJUST TO GRADE	300.00	7,500.00	311.00	7,775.00
11	98	EA	ADJUST WATER VALVE BOX & COVER TO GRADE	110.00	10,780.00	260.00	25,480.00
12	23	EA	REPLACE WATER VALVE BOX & COVER & ADJUST TO GRADE	300.00	6,900.00	260.00	5,980.00
13	5	EA	ADJUST SEWER RISER BOX & COVER TO GRADE	130.00	650.00	260.00	1,300.00
14	410	EA	REFLECTIVE PAVEMENT MARKERS	3.00	1,230.00	4.00	1,640.00
15	1,550	EA	NON-REFLECTIVE PAVEMENT MARKERS	2.00	3,100.00	2.00	3,100.00
16	1	LS	ASPHALT CONCRETE MIX DESIGN	2,000.00	2,000.00	4,000.00	4,000.00
PAR	KING LOTS	;					
17	3,150	SF	6" DEEPLIFT AC SPOT REPAIR	4.00	12,600.00	3.00	9,450.00
COR	PORATION	YARI	D SERVICE ROAD				
18	200	CY	ROADWAY EXCAVATION	32.00	6,400.00	34.00	6,800.00
19	187	TON	ASPHALT CONCRETE PAVING	40.00	7,480.00	50.00	9,350.00
20	200	LF	CONCRETE CURB AND GUTTER	15.00	3,000.00	20.00	4,000.00
21	8	EA	ADJUST DOWNSPOUT TO GRADE	150.00	1,200.00	66.00	528.00

CITY OF HAYWARD PAVEMENT REHABILITATION AND SLURRY SEAL 1999 PROJECT NOS. 5112, 5113, 5187, 5743, 5744, AND 7638 BIDS OPENED: TUESDAY, JUNE 29, 1999

							PAGE 6 OF 6	
						GRANITE CON	STRUCTION CO	
	BID SUMMARY			ENGII	NEER'S	PO BOX 50085		
			DID COMMAN	ESTI	MATE	WATSONVILLE	CA 95077	
						(831) 724-101	1	
ITEM	QUANTITY	UNIT		UNIT PRICE	TOTAL	UNIT PRICE	TOTAL	
WAT	ER POLLU	TION	CONTROL FACILITY (WPCF) PAVEMENT REHABILITA	TION				
22	6,800	SF	6" DEEPLIFT AC SPOT REPAIR	3.60	24,480.00	4.00	27,200.00	
23	270	CY	ROADWAY EXCAVATION	35.00	9,450.00	32.00	8,640.00	
24	1,570	SY	PLANE AC PAVEMENT (WEDGE CUT)	2.20	3,454.00	6.50	10,205.00	
25	1,000	TON	ASPHALT CONCRETE PAVING (PAVING & OVERLA	47.00	47,000.00	50.00	50,000.00	
26	600	SF	CONCRETE VALLEY GUTTER	15.00	9,000.00	8.50	5,100.00	
27	19	LF	CONCRETE CURB AND GUTTER	15.00	285.00	25.00	475.00	
28	102	SF	CONCRETE DRIVEWAY	10.00	1,020.00	8.00	816.00	
29	8	EA	STEEL BARRIER POST (FIXED & REMOVABLE)	100.00	800.00	600.00	4,800.00	
30	8	EA	ADJUST MANHOLE FRAME & COVER TO GRADE	300.00	2,400.00	520.00	4,160.00	
31	3	EA	ADJUST WATER VALVE BOX & COVER TO GRADE	110.00	330.00	260.00	780.00	
32	1	LS	ADMINISTRATIVE CHANGE ORDERS	104,500.00	104,500.00	104,500.00	104,500.00	
ļ	·		TOTAL SCHEDULE B		1,574,022.00		1,840,307.60	

CITY OF HAYWARD PAVEMENT REHABILITATION AND SLURRY SEAL 1999 PROJECT NOS. 5112, 5113, 5187, 5743, 5744, AND 7638

BIDS OPENED: TUESDAY, JUNE 29, 1999

						GALLAGHER &	BURK INC.	O'GRADY PAV	ING INC.
	BID SUMMARY		ENGINEER'S		344 HIGH STRE	ET	2513 WYANDOTTE STREET		
			DID SOMMAN	ESTI	MATE	OAKLAND CA	94601	MOUNTAIN VII	EW CA 94043
						(510) 261-046		(650) 966-192	6
ITEM	QUANTITY	UNIT		UNIT PRICE	TOTAL	UNIT PRICE	TOTAL	UNIT PRICE	TOTAL
SCH	EDULE B	- PRO	JECT NOS. 5112, 5113, 5187, 5743, 5744, A	ND 7638					
STRE	ETS							·	
1	252,860	SF	6" DEEPLIFT AC SPOT REPAIR	2.80	708,008.00	2.45	619,507.00	2.75	695,365.00 *
2	25,120	SY	PLANE AC PAVEMENT (WEDGE CUT)	1.50	37,680.00	1.25	31,400.00	1.25	31,400.00
3	7,760	SY	MILL OFF 0.10' ASPHALT CONCRETE	1.80	13,968.00	1.00	7,760.00	1.25	9,700.00
4	15,050	SY	MILL OFF 0.15' ASPHALT CONCRETE	2.30	34,615.00	1.20	18,060.00	1.50	22,575.00
5	2,200	SY	MILL OFF 0.20' ASPHALT CONCRETE	2.70	5,940.00	2.00	4,400.00	3.00	6,600.00
6	19,760	SY	PAVEMENT REINFORCING FABRIC	0.95	18,772.00	0.90	17,784.00	0.90	17,784.00
7	12,360	TON	ASPHALT CONCRETE OVERLAY	38.00	469,680.00	37.25	460,410.00	40.50	500,580.00
8	74	EA	ADJUST MANHOLE FRAME & COVER TO GRADE	220.00	16,280.00	75.00	5,550.00	275.00	20,350.00
9	32	EA	ADJUST SURVEY MON. BOX & COVER TO GRADE	110.00	3,520.00	40.00	1,280.00	150.00	4,800.00
			REPLACE SURVEY MONUMENT BOX & COVER &						
10	25	EA	ADJUST TO GRADE	300.00	7,500.00	280.00	7,000.00	175.00	4,375.00
11	98		ADJUST WATER VALVE BOX & COVER TO GRADE	110.00	10,780.00	50.00	4,900.00	100.00	9,800.00
			REPLACE WATER VALVE BOX & COVER & ADJUST			1		•	
12	23	EA	TO GRADE	300.00	6,900.00	280.00	6,440.00	175.00	4,025.00
13	5	EA	ADJUST SEWER RISER BOX & COVER TO GRADE	130.00	650.00	70.00	350.00	100.00	500.00
14	410	EA	REFLECTIVE PAVEMENT MARKERS	3.00	1,230.00	4.50	1,845.00	5.00	2,050.00
15	1,550	EA	NON-REFLECTIVE PAVEMENT MARKERS	2.00	3,100.00	2.20	3,410.00	3.00	4,650.00
16	1	LS	ASPHALT CONCRETE MIX DESIGN	2,000.00	2,000.00	15,000.00	15,000.00	3,000.00	3,000.00
PARI	KING LOTS								
17	3,150	SF	6" DEEPLIFT AC SPOT REPAIR	4.00	12,600.00	4.00	12,600.00	4.00	12,600.00
COR	PORATION	YAR	D SERVICE ROAD						
18	200	CY	ROADWAY EXCAVATION	32.00	6,400.00	40.00	8,000.00	50.00	10,000.00
19	187	TON	ASPHALT CONCRETE PAVING	40.00	7,480.00	60.00	11,220.00	51.00	9,537.00
20	200	LF	CONCRETE CURB AND GUTTER	15.00	3,000.00	22.50	4,500.00	25.00	5,000.00
21	8	EA	ADJUST DOWNSPOUT TO GRADE	150.00	1,200.00	150.00	1,200.00	300.00	2,400.00

^{*} TOTAL ITEM CORRECTED

CITY OF HAYWARD

PAVEMENT REHABILITATION AND SLURRY SEAL 1999

PROJECT NOS. 5112, 5113, 5187, 5743, 5744, AND 7638

BIDS OPENED: TUESDAY, JUNE 29, 1999

									PAGE 4 OF 6
				ENGI	NEER'S	GALLAGHER 8 344 HIGH STF		O'GRADY PAY	VING INC.
l			BID SUMMARY		IMATE	OAKLAND CA		II.	IEW CA 94043
l				E311	IIVIATE			1	
						(510) 261-046		(650) 966-19:	
ITEM	QUANTITY	UNIT	·	UNIT PRICE	TOTAL	UNIT PRICE	TOTAL	UNIT PRICE	TOTAL
WAT	ER POLLUT	TION (CONTROL FACILITY (WPCF) PAVEMENT REHABILITA	TION		•			
22	6,800	SF	6" DEEPLIFT AC SPOT REPAIR	3.60	24,480.00	4.00	27,200.00	3.75	25,500.00
23	270	CY	ROADWAY EXCAVATION	35.00	9,450.00	38.00	10,260.00	50.00	13,500.00
24	1,570	SY	PLANÉ AC PAVEMENT (WEDGE CUT)	2.20	3,454.00	2.50	3,925.00	4.00	6,280.00
25	1,000	TON	ASPHALT CONCRETE PAVING (PAVING & OVERLA	47.00	47,000.00	52.00	52,000.00	51.00	51,000.00
26	600	SF	CONCRETE VALLEY GUTTER	15.00	9,000.00	17.50	10,500.00	15.00	9,000.00
27	19	LF	CONCRETE CURB AND GUTTER	15.00	285.00	50.00	950.00	50.00	950.00
28	102	SF	CONCRETE DRIVEWAY	10.00	1,020.00	14.00	1,428.00	30.00	3,060.00
29	8	EA	STEEL BARRIER POST (FIXED & REMOVABLE)	100.00	800.00	600.00	4,800.00	600.00	4,800.00
30	8	EA	ADJUST MANHOLE FRAME & COVER TO GRADE	300.00	2,400.00	50.00	400.00	300.00	2,400.00
31	3	EA	ADJUST WATER VALVE BOX & COVER TO GRADE	110.00	330.00	25.00	75.00	200.00	600.00
32	1	LS	ADMINISTRATIVE CHANGE ORDERS	104,500.00	104,500.00	104,500.00	104,500.00	104,500.00	104,500.00
			TOTAL SCHEDULE B	,	1,574,022.00		1,458,654.00		1,598,681.00 **

^{**}TOTAL BID CORRECTED

DRAFT

ON 1-13-99

HAYWARD CITY COUNCIL

RESOLUTION NO	
Introduced by Council Member	

RESOLUTION AWARDING SCHEDULE A CONTRACT (PAVEMENT SLURRY SEAL) TO BOND BLACKTOP, INC., FOR PROJECT NO. 5113 AND THE SCHEDULE B CONTRACT (PAVEMENT REPAIR AND REHABILITATION) TO GALLAGHER & BURK, INC., FOR PROJECT NOS. 5112, 5187, 5742, 5743 and 7638

WHEREAS, by resolution on June 1, 1999, the City Council approved the plans and specifications for the pavement rehabilitation and slurry sealing, Project Nos. 5112, 5113, 5187, 5742, 5743 and 7638, and called for bids to be received on June 29, 1999; and

WHEREAS, the project has been divided into two projects; Schedule A (Pavement Rehabilitation and Slurry Seal) is a continuation of the City's on-going program to slurry seal residential streets and Schedule B (Pavement Repair and Rehabilitation) to make deep-lift asphalt concrete spot repairs on various streets at the Water Pollution Control Facility.

NOW, THEREFORE, BE IT RESOLVED that Bond Blacktop, Inc. of San Jose, California is hereby awarded the contract for Schedule A, project 5113, the pavement rehabilitation and slurry seal, and Gallagher & Burk, Inc., of Oakland, California is hereby awarded the contract for Schedule B, the pavement repair and rehabilitation, Project Nos. 5112, 5187, 5743 and 7638 in accordance with the plans and specifications adopted therefor and on file in the office of the City Clerk of the City of Hayward at and for the price named and stated in the bid of the hereinabove specified bidder, and all other bids are hereby rejected.

BE IT FURTHER RESOLVED that the City Manager is hereby authorized and directed to execute an agreement for the award of the Schedule A contract to Bond Blacktop, Inc., on behalf of the City of Hayward in an amount not to exceed \$164,080, in a form to be approved by the City Attorney.

BE IT FURTHER RESOLVED that the City Manager is hereby authorized and directed to execute an agreement for the award of the Schedule B contract to Gallagher & Burk, Inc., on behalf of the City of Hayward in an amount not to exceed \$1,458,654,in a form to be approved by the City Attorney.

COUNCIL, HAYWARD, CALIFORNIA, 1999
DOPTED BY THE FOLLOWING VOTE:
YES:
DES:
BSTAIN:
BSENT:
ATTEST:City Clerk of the City of Hayward PPROVED AS TO FORM:
ty Attorney of the City of Hayward